

Adam Wernicke

From: James Kleiner
Sent: Friday, March 4, 2022 6:36 AM
To: Yeung, Sindy; Hung, Rita
Cc: Lam, Matthew; Adam Wernicke; Jesús Casas
Subject: New York Arbitration - CEPSA v Chimbusco - HBN Ref: 7273.0008 [CC-FERO.44609.10295997.FID1470893]

Categories: M/V LEDRA

Dear Ms. Hung and Ms. Yeung:

We refer to your below email requesting a 21-day extension from March 9 to March 30, for your client, Chimbusco, to nominate the second arbitrator.

As you know, CEPSA's February 17 appointment of New York Arbitrator, Leo G. Kailas, was made pursuant to the parties' contract and Section 10 of the incorporated SMA Rules, which requires the other party (Chimbusco) to appoint an arbitrator within twenty (20) days of receipt of that notice (i.e., on or before March 9), failing which CEPSA, as the party demanding arbitration, may appoint a second arbitrator with the same force and effect as if that second Arbitrator were appointed by the other party.

Given the clear contractual right to New York arbitration, CEPSA strongly objects to Chimbusco's suggestion that it might later contest or interfere with this obvious jurisdictional right.

CEPSA would be willing to consider an extension of time for Chimbusco to appoint the second arbitrator, providing you first confirm Chimbusco's acceptance of its obligation to arbitrate in New York and that if an extension is granted, Chimbusco will indeed timely appoint such arbitrator and proceed in good faith with the arbitration.

We will await such confirmation by return.

Meanwhile, CEPSA has not and will not waive its rights, actions, defenses and remedies under the applicable contract and law, including but not limited the right to arbitration in NY.

Very truly yours,

James D. Kleiner
HILL, BETTS & NASH LLP
14 Wall Street
New York, New York 10005
Direct Dial: (212) 589-7517
Mobile: (914) 572-7788
Fax: (212) 466-0514
jkleiner@hillbetts.com
www.hillbetts.com

From: Yeung, Sindy [mailto:Sindy.Yeung@clydeco.com]

Sent: Thursday, March 3, 2022 2:39 AM

To: James Kleiner <jkleiner@hillbetts.com>; Adam Wernicke <awernicke@hillbetts.com>; Jesús Casas <jesus.casas@casasabogados.com>
Cc: Lam, Matthew <Matthew.Lam@clydeco.com>; Hung, Rita <Rita.Hung@clydeco.com>
Subject: Re: [External] Arbitration Demand - CEPSA v Chimbusco - HBN Ref: 7273.0008 [CC-FERO.44609.10295997.FID1470893]

Dear Sirs

We refer to your letter dated 17 February 2022 demanding arbitration in New York and nominating Mr. Leo G. Kailas as arbitrator on behalf of your client.

We are instructed to request for an extension of time of 21 days, i.e. until 30 March 2022, for our client to nominate its arbitrator in the arbitration. Please let us know if your client agrees as soon as possible by Monday, 7 March 2022.

In the meantime, all our client's rights are reserved, including but not limited to the right to challenge jurisdiction of the arbitration.

Best regards

Rita Hung/ Sindy Yeung
Senior Associate/ Associate | Clyde & Co
Direct Dial: +852 2287 2857/ 2287 2836 | Mobile: +852 6401 6567/ 6407 1458



58th Floor, Central Plaza | 18 Harbour Road | Wanchai | Hong Kong
Main +852 2878 8600 | Fax +852 2522 5907 | www.clydeco.com

CONFIDENTIALITY NOTICE

If our account details change, we will notify these to you by letter, telephone or face-to-face and never by email.

This email and any attachments are confidential and may also be privileged. If you have received this message in error, please (a) notify the sender immediately, (b) destroy this email and any attachments, and (c) do not use, copy, store and/or disclose to any person this email and any attachments. In the event of any technical difficulty with this e-mail and any attachments, please contact the sender or contact the Hong Kong IT department on (852) 2878 8600.

E-mail: hongkong@clydeco.com
Internet: www.clydeco.com

A Firm of Solicitors regulated by the Law Society of Hong Kong. The full list of the Firm's principals will be provided upon request.

Please consider the environment before printing this email.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.